

**Notice of Allowability**

Application No.

09/362,941

Examiner

Devona E. Faulk

Applicant(s)

KAMIYA ET AL.

Art Unit

2644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/30/2005.
2. ☒ The allowed claim(s) is/are 1,2,5-7,9-16 and 18-22.
3. ☒ The drawings filed on 7/28/1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Response to Remarks***

1. In the last office action, the examiner objected to claims 4,6,9, and 17 as being allowable subject matter but dependent upon a rejected claim. The applicant has amended the independent claims to include recited language that was indicated as allowable subject matter by the examiner in the previous office action. The applicant has rewritten claims 6 and 9 in independent form. Newly recited claims 21 and 22 include allowable subject matter. The applicant agreed to an examiner's amendment to put the claims in allowable form.
2. Claims 3,4,8 and 17 are cancelled.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David T. Yang (Reg. No. 44,415 ) on October 4, 2005.

**The application has been amended as follows:**

**Claim 1, line 3:** after "data" and after "channels", insert - - , - -.

**Claim 1, line 4:** after "rate", insert - - , - -.

**Claim 6, line 3:** after "data" and after "channels", insert - - , - -.

**Claim 6, line 4:** after "rate", insert - - , - -.

Art Unit: 2644

**Claim 9, line 3:** after "data" and after "channels", insert --, --.

**Claim 9, line 4:** after "rate", insert --, --.

**Claim 12, line 7:** after "data" and after "channels", insert --, --.

**Claim 12, line 8:** after "rate", insert --, --.

**Claim 12, line 8:** before "under", insert -- said tone data processing device --.

**Claim 14, line 1:** before "readable", delete "machine", insert --computer--.

**Claim 14, line 1:** after "containing", delete "a group of instructions of a program for execution by", insert --a group of executable instructions for causing --.

**Claim 14, line 2:** after "processor", insert -- to perform a method of tone data processing, said method comprising the steps of: --

**Claim 14, line 2:** delete "for".

**Claim 14, line 4:** after "data" and after "channels", insert --, --.

**Claim 14, line 4:** after "rate", delete "and", insert --; --.

**Claim 14, line 5:** after "device", delete "an input buffer for", insert --; --.

**Claim 14, line 7:** after "device", delete "and an output buffer", insert -- to an input buffer --.

**Claim 14, line 7:** after "processor", delete "said program comprising", insert --; --.

**Claim 14, line 9:** delete "a first step of".

**Claim 14, line 18:** delete "a second step of".

**Claim 14, line 20:** delete "a third step of".

**Claim 14, line 22:** delete "a fourth step of".

**Claim 14, line 22** : after "into", delete "said", insert - - an - -.

**Claim 14, line 22**: after " buffer", insert - - that is connected to said processor - -.

### **Reasons for Allowance**

4. Claims 1,2,5,6,7,9-11,12-16,18-22. The following is an examiner's statement of reasons for allowance: See response under Response to Arguments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF



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